

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

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|---------------------------------|---|--------------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| V. | § | CASE NO. 9:05cr34 |
| | § | |
| DAVID LEE TUCKER | § | |

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

By order, the undersigned referred this matter to the Honorable Harry W. McKee, United States Magistrate Judge, at Tyler, Texas, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge McKee conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued his *Report and Recommendation of the United States Magistrate Judge* [Clerk's doc. #5]. The Magistrate Judge recommended that the Court accept Defendant's guilty plea and conditionally accept his plea agreement. He further recommended that the undersigned finally adjudge Defendant as guilty on **Count One** of the **Information** filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the *Report and Recommendation* should be accepted. It is accordingly **ORDERED** that the *Report and Recommendation* [Clerk's doc. #5] of the United States Magistrate Judge are **ADOPTED**. Defendant's guilty plea and the plea agreement are conditionally **ACCEPTED** by the Court at this time.

It is further **ORDERED** that, in accordance with Defendant's guilty plea and the magistrate judge's findings and recommendation, Defendant, David Lee Tucker, is hereby adjudged as **GUILTY** on **Count One** of the charging **Information**, conditioned upon the Court's final acceptance of the guilty plea and plea agreement at sentencing.

SIGNED this the **20** day of **October, 2005**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge